

Art Unit: 1651

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claim 59 was amended as follows:

--59. A method for increasing lactose digestion in a subject, comprising the steps of:
identifying a subject having lactose intolerance, and
administering to said subject a composition comprising an effective amount of viable *Bacillus coagulans* bacteria and an effective amount of supplemental lactase to increase lactose digestion in said subject,
wherein said bacteria are selected from the group consisting of GBI-20, ATCC PTA-6085; GBI-30, ATCC PTA-6086; and GBI-40, ATCC PTA-6087.--

Claim 61 was amended as follows:

--61. The method of claim 59, wherein said effective amount of lactase is from about 1000 IU to about 12,000 IU.--

Authorization for this examiner's amendment was given in a telephone interview with Ms Beattie on 11/12/2009.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irene Marx whose telephone number is (571) 272-0919. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 .

Art Unit: 1651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Irene Marx/
Primary Examiner
Art Unit 1651